

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLSTATE INSURANCE
COMPANY, et al.,

Plaintiffs,

v.

OBTEEN N. NASSIRI, D.C., et al.,

Defendants.

2:08-CV-369 JCM (GWF)

ORDER

Presently before the court is defendants Obteen Nassiri, et. al.'s motion to reconsider Magistrate Judge Foley's order granting, in part, plaintiffs' emergency motion to compel the deposition of Obteen Nassiri. (Doc. #326). Plaintiffs filed an opposition. (Doc. #332). Defendants then filed a reply. (Doc. #337).

On May 23, 2011, Magistrate Judge Foley held a hearing on plaintiffs' emergency motion for evidence sanctions or, in the alternative, to compel deposition of Nassiri. (Doc. #315). The court denied plaintiffs' motion for sanctions, but granted plaintiffs' motion to compel the deposition of Nassiri. (Doc. #315).

In the instant motion, defendants move the court to reconsider the magistrate judge's order. (Doc. #326). Specifically, defendants ask the court to reverse the magistrate judge's ruling compelling Nassiri to appear for a deposition. (Doc. #326).

When reviewing the magistrate judge's order, this court determines whether it is clearly erroneous or contrary to law. *See* FED. R. CIV. P. 72(a); Local Rule IB 3-1. The magistrate judge's

1 order is “clearly erroneous” if this court is left with “a definite and firm conviction that a mistake
2 has been committed.” *See United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948); *Burdick*
3 *v. Comm’r IRS*, 979 F.2d 1369, 1370 (9th Cir. 1992). However, “[w]hen reviewing discovery
4 disputes . . . the [m]agistrate is afforded broad discretion, which will be overruled only if abused.”
5 *Tafas v. Dudas*, 530 F. Supp. 2d 786, 792 (E.D. Va. 2008).

6 As the moving party, defendants have the burden of proving that the magistrate judge’s order
7 was clearly erroneous or contrary to law. FED. R. CIV. P. 72(a); Local Rule IB 3-1. Defendants have
8 failed to carry this burden. After reading the moving papers, the court is not left with “a definite and
9 firm conviction that a mistake has been committed.” *U.S. Gypsum Co.*, 333 U.S. at 395; *Burdick*,
10 979 F.2d at 1370. Further, defendants have cited no case law establishing that the magistrate judge’s
11 order was contrary to law. Based on defendants’ insufficient showing, the court is not inclined to
12 interfere with the magistrate judge’s “broad discretion” in discovery disputes. *Tafas*, 530 F. Supp.
13 2d at 792.

14 Accordingly,

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants Obteen Nassiri,
16 et. al.’s motion to reconsider (doc. #326) be, and the same hereby is, DENIED.

17 DATED this 17th day of October, 2011.

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20 **UNITED STATES DISTRICT JUDGE**